

Concept Approval

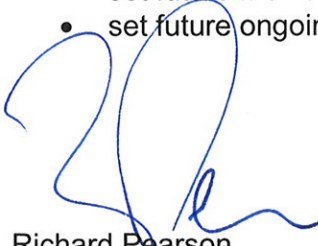
Section 75O of the *Environmental Planning & Assessment Act 1979*

I, the Deputy Director-General as delegate for the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval in Schedule 2;
- (b) pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that the boundary adjustment, residential subdivision and provision of access and infrastructure requires no further environmental assessment; and
- (c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that the Community Facilities is subject to the provisions of Part 4 (or Part 5) of the Act.

These modifications are required to:

- prevent, minimise and offset adverse environmental impacts of future development;
- ensure/encourage appropriate access to future development;
- set future monitoring and reporting requirements for future development;
- set future ongoing environmental management for future development;



Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

Sydney *22nd December* 2010

SCHEDULE 1

PART A – TABLE

Application No.:	06_0212
Proponent:	Le Clos Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 51 DP775871, Lots 1-13, 15-66, 68, 70-72, 74-80, 83-84, 86-88 DP791199 and Lots 90-95 DP805549, Sancrox Road, Sancrox
Concept Plan:	<p>Boundary adjustment, subdivision and implementation of associated infrastructure for 142 lot rural residential subdivision comprising:</p> <ul style="list-style-type: none">• torrens title boundary adjustment between Lot 51 in DP 775871 and neighbouring parcels (Lots 22, 28, 52, 53, 56 and 86 in DP 791199 and Lot 92 DP 805549) and Lot 91 DP 805549;• staged (13 stages) subdivision into 142 rural residential lots under community title;• provision of access, landscaping and associated stormwater drainage infrastructure; and• provision of community open space lot (Lot 1) for provision of Community Facilities.

PART B – NOTES RELATING TO THE DETERMINATION OF PROJECT 06_0212

Responsibility for other consents/agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* (as amended).

Legal Notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C – DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act 1979</i> .
Advisory Notes	means advisory information relating to the approved development but do not form a part of this approval.
BCA	means Building Code of Australia
Council	means Port Macquarie-Hastings Council
Community Facilities	Means the tennis court, community building, amenities block, children's playground and recreation areas at the community open space lot surrounded by proposed lots 32-42
DECCW	means the Department of Environment, Climate Change and Water
Department	means the Department of Planning or its successors
Director-General	means the Director-General of the Department or his/her nominee.
Environmental Assessment	means the Environmental Assessment prepared by Hopkins Consultants Pty Ltd dated April 2008 including all Appendices
Minister	means the Minister for Planning
Project	means the project as described in Schedule 1 to this approval
PCA	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act
Preferred Project Report	means the Preferred Project Report prepared by Hopkins Consultants Pty Ltd dated February 2009
Proponent	means Le Clos Pty Ltd or any party acting upon this approval
Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i>
Site	has the same meaning as the land identified in Schedule 1
Voluntary Planning Agreement	means the Riverpark Sancrox Planning Agreement prepared by Lindsay Taylor Lawyers

SCHEDULE 2

PART A – TERMS OF APPROVAL

A1 Concept Plan Description

Boundary adjustment, subdivision and implementation of associated infrastructure for 142 lot rural residential subdivision including:

- Boundary adjustment between Lot 51 in DP 775871, and the neighbouring parcels (Lots 22, 28, 52, 53, 56 and 86 in DP 791199 and Lot 92 DP 805549), under Torrens Title;
- Minor boundary adjustment and re-registration of Lot 91 DP 805549 (as proposed Lot 157) under Torrens Title prior to registration of Stage 1;
- Staged re-subdivision of the remaining Le Clos Verdun estate into a total of 142 rural residential lots under Community Title;
- Retention of existing single dwellings and rural tourist facility within the estate;
- Retention and augmentation of existing roads, water mains, telecommunication lines and electricity cables which currently service the estate, and construction of new infrastructure as necessary;
- Establishment in Stage 10 of the Project of a future vehicular access link to the adjacent rural land to the east identified under Council's Rural Residential Strategy for future investigation;
- Minor filling for Lots 76, 77, 95 & 143, and Lots 87, 114 & 115 in the community title subdivision;
- Clearing of approximately 8000m² of Swamp Oak Floodplain Forest over Lots 76, 77, 95 & 143 and Lots 87 & 115;
- Landscaping works including the management of existing landscaping within the site and re-planting within access and drainage routes, ridge-lines, gullies and the revegetation and rehabilitation of disturbed sections within the Haydons Creek Riparian Zone;
- A 'Cluster System' for the treatment of effluent;
- An integrated system of fire-trails within the rear of bushfire prone sites, acting as linkages within the proposed internal road system for emergency vehicle access;
- Provision of a pedestrian public accessway adjacent the Hastings River Crown Reserve connecting Bengal Street to Lot 35;
- Creation of a system of pathways establishing practical access to the Hastings River and Haydons Creek Foreshore Reserves at Stages 1, 2, 4 and 9 of the Project; and
- Provision of community open space lot for Community Facilities.

A2 Staging

The subdivision into 142 rural residential lots is to be constructed as per the following staging schedule:

1) Stage A

- Boundary adjustments between Lot 51 in DP 775871 and the neighbouring parcels (Lots 22, 28, 52, 53, 56 and 86 in DP 791199 and Lot 92 DP 805549; and
- Boundary adjustment and re-registration of Lot 91 DP 805549 prior to registration of Stage 1 (below).

2) The remainder of the Project is staged as follows:

- Stage 1: 80 Lots Lots 1 – 80
- Stage 2: 5 Lots Lots 81 – 85
- Stage 3: 3 Lots Lots 87 – 89
- Stage 4: 2 Lots Lots 91 – 92
- Stage 5: 9 Lots Lots 94 – 102
- Stage 6: 7 Lots Lots 105 – 111
- Stage 7: 4 Lots Lots 113 – 116
- Stage 8: 4 Lots Lots 118 – 121
- Stage 9: 8 Lots Lots 123 – 130
- Stage 10: 7 Lots Lots 132 – 138
- Stage 11: 4 Lots Lots 140 – 143
- Stage 12: 9 Lots Lots 145 – 153
- Stage 13: 3 Lots Lots 154 – 156

It is noted that staging of allotment construction may vary in timing according to market forces. Essential infrastructure shall be constructed as specified in the staging listed above.

Note: Due to factors relating to Community Title registration and the requirement for sequential lot numbering, "Development Lot" numbers cannot be re-used with registration of subsequent stages. Hence lots within the subdivision scheme run from Lot 1 to Lot 156, while only 142 'residential', or developable lots under Community Title are being created.

- 3) Provision of the community building within the Community Facilities Lot prior to the release of the subdivision certificate for Stage 2 of the project and all other facilities within the Community Facilities area provided for prior to the release of the subdivision certificate for Stage 6 of the project.

A3 Project in Accordance with Documentation

The proponent shall carry out the concept plan and all related future projects generally in accordance with the following documents:

- a) *Environmental Assessment* prepared by Hopkins Consultants Pty Ltd on behalf of Le Clos Pty Ltd, dated April 2008; and,
- b) *Preferred Project Report/Response to Submissions* prepared by Hopkins Consultants Pty Ltd on behalf of Le Clos Pty Ltd, dated February 2009 with amendments to 13 July 2010.

A4 Project in Accordance with Plans

The proponent shall carry out the concept plan and all related future projects/ applications generally in accordance with the following plans:

Landscape Drawings prepared by Rupert G H Milne Home, Landscape Consulting			
Drawing No.	Revision	Name of Plan	Date
2802 – Sheets 1 & 2	A	Landscape Concept Plan	11/02/2009

Survey Drawings prepared by Hopkins Consultants Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
6096 – Sheet 1A	A	Overall Plan of Subdivision	06/07/2010
6096 – Sheets 1B & 1C	A	Proposed Subdivision Detail	06/07/2010
6096 – Sheet 2	A	Proposed Subdivision – Contours & Flood Levels	06/07/2010
6096 – Sheet 3	A	Proposed Subdivision – Zone Boundary	06/07/2010
6096 – Sheet 4	A	Proposed Subdivision – Aerial Photograph	06/07/2010
6096 – Sheet 5	A	Proposed Subdivision – Flood Levels & Intended Filling	06/07/2010
6096 – Sheet 6	A	Proposed Subdivision – Stormwater Strategy	06/07/2010
6096 – Sheets 7A, 7B & 7C	A	Proposed Subdivision – Sample Building Envelopes	06/07/2010
6096 – Sheet 8	A	Proposed Subdivision – Access Strategy	06/07/2010
6096 – Sheets 9A & 9B	A	Proposed Subdivision – Staging Plan	06/07/2010
6096 – Sheet 10	A	Proposed Subdivision – Comparison Existing & Proposed Lot Layouts	06/07/2010

Note: The drawings in the above table are subject to amendments in accordance with a revised subdivision plan to be submitted and approved by the Director-General as required by Condition B1 *Design Modifications* below.

A5 Consistency of Future Development

- 1) In the event of any inconsistency between:
 - a) the modifications of this approval and the drawings/documents referred to in conditions A3 and A4, the modifications of this approval shall prevail to the extent of the inconsistency;
 - b) any drawing/document listed in conditions A3 and A4 and any other drawing/document listed in conditions A3 and A4, the most recent document/plan shall prevail to the extent of the inconsistency; and
 - c) the modifications of this approval and the Statement of Commitments (at Schedule 3), the modifications of this approval prevail to the extent of the inconsistency.

- 2) If there is any inconsistency between this concept plan approval and any future application/ project, this concept plan approval shall prevail to the extent of the inconsistency.

A6 *Determination of Future Applications*

The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan MP06_0212 as described in Part A of Schedule 1.

A7 *Lapsing of Approval*

This concept plan approval shall lapse five (5) years after the determination date in Part A of Schedule 1 of this approval, unless works have physically commenced on or before that lapse date.

PART B – MODIFICATIONS TO THE CONCEPT PLAN PURSUANT TO SECTION 750(4) OF THE ACT

B1 Design Modifications

The following modifications shall be made to the concept plan:

- (1) proposed lot 60 is modified to be a minimum of four (4) hectares in size;

Note: This condition ensures that any Part 3A subdivision approval granted by the Minister is consistent with Part 4 development consent re: 89/0079 which requires a minimum 4Ha lot requirement for the rural tourist facility.

- (2) public pedestrian access is not to be provided within the Crown Reserve adjacent to the site unless relevant approvals are obtained from the LPMA;
- (3) public pedestrian access is to be provided along the western boundary of the site adjacent the Crown Reserve, between Bengal Street and Lot 33 where relevant approvals from LPMA to site the access on Crown Land (as described in sub-clause (2) are not obtained;

Note: These clauses ensure that public pedestrian access along the Hastings River foreshore is improved as a result of any subdivision approval in accordance with SEPP 71 objectives. They require access to be provided on the site unless arrangements can be made to undertake the works on Crown land.

- (4) present Lot 51 is not to form part of the Community Title subdivision, nor does it form part of the Community Association.

The modified plans showing these modifications are required to be submitted to and approved by the Director-General prior to the issue of the first Construction Certificate for any stage of the project other than Stage A.

SCHEDULE 3

Statement of Commitments (source: Preferred Project Report)

Table 4.1 Revised Statement of Commitments

Item	Commitment	Action	Timing
General	1	Proponent	All stages
	<p>The proponent will undertake the development in accordance with the commitments of this Preferred Project Report prepared by Hopkins Consultants dated February 2009 including:</p> <ol style="list-style-type: none"> 1. <i>Subdivision Plans numbered Sheets 1-10 prepared by Hopkins Consultants, dated 14th October 2008, and provided in Appendix C to this report;</i> 2. <i>The Landscape Principles Plan numbered Sheets 1-2 prepared by Rupert M Home, Landscape Architect dated 11th February 2009, and provided in Appendix I to this report;</i> 3. <i>The draft Development Contract between the Community Association and Port Macquarie-Hastings Council, dated 19th February 2009, and provided in Appendix D to this report;</i> 4. <i>This Preferred Project Report and Statement of Commitments as prepared by Hopkins Consultants and dated February 2009.</i> 		
Statutory Requirements	2	Proponent	Stage 1 & ongoing
	<p>All licences, permits and approvals as necessary will be obtained once project approval is granted and maintained for the development, including:</p> <ul style="list-style-type: none"> ▪ Construction Certificates for engineering works (including earthworks, soil and water management, roadworks, drainage) for each stage of the subdivision; ▪ Subdivision Certificates for each stage of the subdivision; ▪ Section 138 Consent for roadworks (Roads Act 1993); ▪ Section 68 approvals for utilities infrastructure (Local Government Act 1993); ▪ Electricity Compliance certificate from Country Energy; 		

Item		Commitment	Action	Timing
		<ul style="list-style-type: none"> ▪ Telstra Compliance Certificate; and ▪ Water Compliance Certificate from Port Macquarie-Hastings Council under Section 307 of the Water Management Act 2000. 		
Subdivision Design and Registration	3	Staging of the subdivision is to occur in accordance with the Development Contract prepared by Hastings Business Lawyers dated February 2009, the Preferred Project Report prepared by Hopkins Consultants dated February 2009, and the Staging plans of subdivision reference No. 6096_6096-0011 sheets 9A-9B dated 14 th October 2008.	Proponent	All stages
	4	Prior to registration of each stage of the subdivision, the provision, upgrade and/or embellishment of utilities, infrastructure and other works relevant to each stage is to be undertaken in accordance with the Development Contract.	Proponent	All stages
	5	<p>Prior to registration of the subdivision, the proponent is to submit copies of the Development Contract and Community Management Scheme to Council for approval. The final Community Management Scheme is to address such items as:</p> <ul style="list-style-type: none"> • Vegetation management • Property management • Weed management • Use of community property • Inappropriate land-use activity on private land • Management of the cluster system of effluent disposal • Management of the individual effluent treatment and disposal systems. • Maintenance of rights of carriageway • Management responsibilities for any water retention/treatment systems • Maintenance of fire trails • Management of APZs • Animal husbandry and domestic pet management • Garbage and waste management • Architectural and fencing standards • Management of the communal recreation area • A management of private utilities and services • Community association insurances 	Proponent	Stage 1 & ongoing

Item		Commitment	Action	Timing
		<ul style="list-style-type: none"> • Payment and management of community levies and • Any other items as directed by the determining authority 		
	6	The final Development Contract and final Community Management Scheme are to have regard to all requirements and recommendations of this Statement of Commitments and as amended by the regulatory bodies' General Terms of Approval for the Project.	Proponent	Stage 1
Construction	7	<p>Prior to the commencement of works on the site, the proponent will submit to Council a Construction Management Plan for approval. The Plan is to address the following:</p> <ul style="list-style-type: none"> • a detailed work program outlining relevant timeframes for activities; • roles and responsibilities for all relevant site workers and employees involved in the construction phase; • waste and debris management measures to be employed during the construction phase; • erosion and sediment control measures during construction; • details of environmental management procedures, monitoring and reporting requirements during construction and operation phase; • traffic management procedures • details of statutory and other obligations that must be met during construction and operation, including all approvals and agreements required from authorities and other stakeholders. • Any other matter as directed by the determining authority. 	Proponent	All stages
	8	Construction work will be confined to 7.00 am to 6.00 pm Monday to Saturdays, with no construction taking place on Sundays or public holidays, unless prior approval is obtained from the relevant authority.	Proponent	All stages
Soils and Water Cycle Management	9	Water quality control measures will be designed and installed in accordance with the principles of the Surface and Storm Water Management Plan contained in Sheet 6 of Appendix C, and as per the recommendations of Hopkins Consultants Pty Ltd. Detailed designs for these works are to be provided with the Construction Certificate relevant to each stage.	Proponent	Stage 1 & ongoing
Flooding	10	Filling works to be undertaken in accordance with PMHC's DCP 41 and associated	Proponent	Stage 1

Item		Commitment	Action	Timing
		best practice guidelines as per the principles of the intended filing plan in Sheet 5 of Appendix C.		& Stage 5
	11	To counter the potential impacts of flooding, all new dwellings within the estate are to be constructed with a minimum finished floor level 800mm above the level of the 1 in 100 year flood. This commitment is to be included in the architectural standards of the final Community Management Scheme to be prepared with the Subdivision Certificate for Stage 1.	Proponent PMHC	All stages
Riparian Zone Management and Rehabilitation	12	<p>The proponents are to prepare a comprehensive Vegetation Management Plan for all areas of existing vegetation to be retained within the site. Such plan is to be in accordance with the principles of the Landscape Concept Principles Plan prepared by Rupert M Home and the recommendations of the Ecological Assessment prepared by Keystone Ecological, and any other action recommended by relevant authorities. At a minimum, such plan is to include provision for the following management measures:</p> <ul style="list-style-type: none"> ▪ Species-appropriate weed control responses formulated and implemented, with particular emphasis on Lantana and pasture grasses ▪ Removal of grazing ▪ Formal protection of existing bushland ▪ Hollow-bearing trees identified and protected by tree protection zones ▪ Maintenance of dams ▪ Feral animal control ▪ Provision of fauna-friendly fencing ▪ Provision of nest boxes of a diversity of types and sizes ▪ Monitor and maintain nest boxes ▪ Implementation of strict sediment and erosion control plan during all activities where soil is exposed ▪ Control program in conjunction with local Catchment Management Authority ▪ Maintenance of asset protection zones in cleared areas ▪ Fire fighting response plan in conjunction with local Rural Fire Service ▪ Determine appropriate fire regime for each vegetation type ▪ Exclude fire where required (e.g. Rainforest) or impose small ecological burns where appropriate 	Proponent	Stage 1 & ongoing

Item	Commitment	Action	Timing
	<ul style="list-style-type: none"> ▪ Provision of formal paths to minimise trampling of understorey vegetation ▪ Education of residents re impacts of inappropriate disposal of garden refuse ▪ Education of residents re impacts of garden practices on adjacent bushland e.g. use of herbicides, species with potential to become weeds ▪ Education of owners re need for control of domestic pets, particularly at night ▪ Speed controls on internal roads ▪ Weed incursions into adjacent bush land monitored ▪ No point source delivery of stormwater runoff – use of water sensitive urban design principles such as diffuse water delivery ▪ Siting of effluent disposal in open cleared areas distant from sensitive vegetation; ▪ Monitor all actions on regular basis and report to Council 		
	The final Vegetation Management Plan is to be submitted to PMHC for approval prior to registration of Stage 1.		
Flora and Fauna			
13	Driveways and other structures on the central ridge (lots 24-34) are to avoid conflict with the tree protection zones of the hollow-bearing trees. Details to be included in the Vegetation Management Plan.	Proponent	Stage 1
14	Nest boxes of various sizes suitable for birds, bats and arboreal mammals are to be placed in retained trees across the site to compensate for the future loss of hollows when mature trees senesce and die. These nest boxes are to be erected gradually over time and should at least equal the number of hollow-bearing trees currently on site. Details to be included in the Vegetation Management Plan.	Proponent	Stage 1 & ongoing
15	The on-site effluent disposal systems for the new dwellings will be located as far as possible away from the sensitive down slope vegetation, providing the maximum buffer of grassed or otherwise landscaped / vegetated lands. Details to be included in the Vegetation Management Plan.	Proponent	All stages
16	Asset Protection Zones are to be excluded from the Swamp Oak Floodplain Forest, Rainforest or Freshwater Wetland vegetation as per the principles of the Bushfire Hazard Assessment. Details to be included in the Vegetation Management Plan.	Proponent	All stages
17	Widespread grazing by hard-hoofed animals is to be prohibited from foreshore	Proponent	All stages

Item	Commitment	Action	Timing
	reserves and 7(a) zoned areas within the estate. Details to be included in the Vegetation Management Plan and Community Management Scheme.		
18	Weed management strategies are to be implemented across the site, but particularly in the Rainforest and Swamp Oak Floodplain Forest. Details to be included in the Vegetation Management Plan.	Proponent	All stages
19	Plant species used in landscaping of the development area should preferentially be of locally-native species from local provenance material. Details to be included in the Vegetation Management Plan.	Proponent	All stages
20	Any plantings required as part of the weed management control should also be of local provenance material only. Details to be included in the Vegetation Management Plan.	Proponent	All stages
21	Approaches should be made to the local Rural Lands Protection authority regarding feral animal control strategies that target the feral deer that occur in this area. Details are to be included in the Vegetation Management Plan.	Proponent	Stage 1
22	Firewood collection is to be prohibited within the 7(h) zones within the estate. Details to be included in the Vegetation Management Plan and Community Management Scheme.	Proponent	Stage 1
23	The formal crossing over Haydons Creek is to be constructed within the existing clearing. This crossing's design is to be in accordance with the requirements under the Water Management Act (2000) and Regulations (2008). Details to be included in the Construction Certificate and Vegetation Management Plan.	Proponent	Stage 8
Aboriginal and Cultural Heritage	24 During the course of construction work, if suspected Aboriginal cultural heritage material is encountered, work should cease immediately. The NSW Department of Environment and Climate Change (DECC) and Birpai LALC and Bunyah LALC should then be notified. Works should only recommence when an appropriate and approved management strategy has been agreed to by all of the relevant stakeholders.	Proponent	All stages
25	In the event that skeletal remains are uncovered whilst construction operations are underway, work is to stop immediately and the NSW Coroner's Office and NSW Police contacted. If deemed to be of Aboriginal origin, Birpai LALC and Bunyah LALC and the DECC are to be contacted.	Proponent	All stages
26	If, during the course of clearing work, significant European cultural heritage	Proponent	All stages

Item	Commitment	Action	Timing
	material exceeding 50 years in age is uncovered, work is to cease immediately. The NSW Heritage Office should be notified and works only recommence when an appropriate and approved management strategy instigated.		
Wastewater Management			
27	All necessary wastewater treatment systems are to be established as per the recommendations of the Effluent Disposal Assessment prepared by Coffey Geotechnics dated 8 November 2007	Proponent	All stages
28	All wastewater disposal areas are to be fully bunded and have drainage works installed upslope as per Hastings Council's On-Site Sewage Management Code.	Proponent	All stages
29	Construction of the systems is to comply with Appendix 4.5 of AS/NZS 1547:2000. Wet weather storage is to comply with local government Regulations.	Proponent	All stages
30	The proposed cluster system servicing Lots 45-49 is to be established by the Community Association in Stage 1 of the subdivision and as per the Development Contract. This facility is to be undertaken as per the concept specifications prepared by Coffey Geotechnics dated November 2007.	Proponent	Stage 1
Bushfire Hazard Management			
31	The Landscaping Principles detailed in Section 3.5 of the Bushfire Hazard Assessment prepared by Mid Coast Environment and dated March 2008 are to be implemented as relevant to each stage of the subdivision.	Proponent	Stages 1, 2, 3, 5, 6, 7, & 8
32	The Bushfire Risk Management Plan prepared by Mid Coast Environmental is to be implemented with the proposed subdivision and any proposed dwellings on the new allotments on the site. Details are to be included in the final Community Management Scheme.		Stages 1, 2, 3, 5, 6, 7, & 8
33	Assessments in relation to Asset Protection Zones are to be adopted with the construction of any dwellings on the proposed new lots.		Stages 1, 2, 3, 5, 6, 7, & 8
34	Fire trails should be provided between areas of bushfire hazard vegetation and the potential building envelopes of the proposed lots in accordance with the Bushfire Hazard Assessment prepared by Mid Coast Environmental and as per Sheets 7A-7C in the approved plans of subdivision.		Stages 1, 2, 3, 5, 6, 7, & 8
35	The ongoing maintenance of the fire trails is to be a requirement imposed upon the owners of the rural residential lots via the Community Management Scheme.		Stages 1, 2, 3, 5, 6,

Item	Commitment	Action	Timing
36	The design and construction of the internal roads and fire trails are to comply with the acceptable solutions provided for in section 4.1.3 of NSW Rural Fire Services, Planning for Bushfire Protection, 2006.		7, & 8 Stages 1, 2, 3, 5, 6, 7, & 8
37	Water and other services are to be provided to the proposed lots in accordance with the requirements detailed in section 3.4 of the Bushfire Hazard Assessment prepared by Mid Coast Environmental.		Stages 1, 2, 3, 5, 6, 7, & 8
38	The Community Management Scheme is to incorporate provisions for the areas of the proposed subdivision nominated as private recreation areas. The community management scheme is to provide for the ongoing management of these areas as bushfire hazard vegetation free areas.	Proponent	Stages 1, 2, 3, 5, 6, 7, & 8
Traffic and Access 39	The proponent is to undertake the upgrading of the intersection of the entry road and Sancro Road to the standard of a "Rural Type AUR" intersection. Detailed design will be undertaken with the Construction Certificate for Stage 1.	Proponent	Stage 1
40	The proponent is to undertake Geotechnical investigations to confirm the condition of pavements within the existing Sancro Road Intersection footprint prior to the undertaking of any intersection upgrade works.	Proponent	Stage 1
41	If so required, the proponent is to undertake pavement rectification of the Sancro Road Intersection footprint as per the recommendations of the geotechnical investigation and recommendations or as directed by Port Macquarie-Hastings Council in their general terms of approval.	Proponent	Stage 1
Public Services and Infrastructure 42	<p>The following infrastructure is to be provided for all lots in the subdivision:</p> <ul style="list-style-type: none"> Electricity reticulation to each residential lot to the satisfaction of Country Energy; Reticulated potable water supply to each residential lot to Council's satisfaction; Telecommunication services to each residential lot to the satisfaction of Telstra. <p>Staging and timing of infrastructure provision is to be established in the final Development Contract to be approved by Port Macquarie-Hastings Council.</p>	Proponent	All stages
Developer Contributions 43	Section 94 developer contributions will be paid to Council, at the rate current at the time of payment, towards the provision of the following public services or facilities:	Proponent	All stages

Item		Commitment	Action	Timing
		<ul style="list-style-type: none"> ▪ Roads ▪ Open Space ▪ Community Services ▪ Bushfire ▪ Administration Building ▪ Administration Levy 		
		Contributions relevant to each stage of the subdivision (taking into account current credits) are to be paid prior to the registration of subdivision plans for that stage.		
	44	<p>Section 64 developer contributions will be paid to Council, at the rate current at the time of payment, towards the provision of the following public services or facilities:</p> <ul style="list-style-type: none"> ▪ Water supply 	Proponent	All stages
		Contributions relevant to each stage of the subdivision (taking into account current credits) are to be paid prior to the registration of subdivision plans for that stage.		
DWE General Terms of Approval *	45	A Controlled Activity Approval (CAA) under the Water Management Act 2000 is to be obtained from the Department of Water and Energy (DWE) prior to undertaking certain works in, on or under waterfront land.	Proponent	All stages
* Department of Water and Energy advice dated 16 th June 2008				
	46	<p>The consent holder must prepare:</p> <ul style="list-style-type: none"> ▪ Site plan, map and/or surveys, ▪ Structural design and specifications ▪ A Vegetation Management Plan, ▪ Works Schedule, 	Proponent	All stages

Item	Commitment	Action	Timing
	<ul style="list-style-type: none"> ▪ Erosion and Sediment Control Plan ▪ Soil and Water Management Plan, ▪ Rehabilitation Plan and ▪ Amendments to Plans 		
47	<p>These plans must be prepared by a suitably qualified person and submitted for approval by the Department of Water and Energy prior to any controlled activity commencing.</p> <ul style="list-style-type: none"> ▪ Vegetation Management Plans ▪ Laying pipes and cables in watercourses ▪ Riparian Corridors ▪ In-stream works ▪ Outlet structures ▪ Watercourse crossing 	Proponent	All stages
	The plans are to be prepared in accordance with Department of Water and Energy guidelines.		
48	<p>The consent holder must:</p> <ul style="list-style-type: none"> • Carry out any controlled activity in accordance with approved plans • Construct and/or implement and controlled activity by, or under the direct supervision of, a suitably qualifies professional, and • When required provide a certificate of completion to the Department of Water and Energy. 	Proponent	All stages
49	The consent holder must carry out a maintenance period of 3 years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
50	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water and Energy.	Proponent	All stages
51	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of work, rehabilitation and maintenance and report to the	Proponent	All stages

Item	Commitment	Action	Timing
	Department of Water and Energy as required.		
52	Subject to reasonable notice, the consent holder will allow authorised officers of the Department access to the site and allow those officers to do all things reasonably necessary for the purpose of monitoring and/or auditing the CAA.	Proponent	All stages
53	The consent holder must ensure that any bridge, causeway or crossing does not result in erosion, obstruction of flow or destabilisation, damage to the bed or banks of a river or waterfront land other than in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
54	The consent holder must design or commission the design of any crossing over waterfront land and riparian corridors in accordance with the Department of Water and Energy Guidelines for watercourse crossings.	Proponent	All stages
55	The consent holder must ensure that culverts/crossings do not obstruct water flow and direction and must be the same width as the river or sufficiently wide to maintain lake/river circulation, with no water level difference between the two sides of the structure unless otherwise approved by the Department.	Proponent	All stages
56	The consent holder must prepare design construction details for any drainage structures/storm water culverts to discharge into the Haydons Creek area and submit to the Department for approval prior to the issuing of a CAA. Culverts shall be designed by a suitably qualified person in accordance with the Departments guidelines.	Proponent	All stages
57	The consent holder must ensure that no materials or cleared vegetation that may obstruct flow or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
58	The consent holder is to ensure that all drainage works capture and convey runoff, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water and Energy and do not obstruct flow of water in the river unless given written approval by the Department of Water and Energy.	Proponent	All stages
59	The consent holder must ensure that drain discharge points are stabilised to prevent erosion in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
60	The consent holder must ensure that all erosion and sediment control works and	Proponent	All stages

Item	Commitment	Action	Timing
	water diversion structures are established in accordance with a plan approved by the Department of Water and Energy. All measure shall be inspected and maintained throughout the working period and not removed until the site has been fully stabilised.		
61	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.	Proponent	All stages
62	An Excavation must not result in diversion Haydons Creek, bank instability or damage to native vegetation unless approved by the Department of Water and Energy.	Proponent	All stages
63	Riparian zones are to function as ecological systems and as such, all works, Asset Protection Zones, access routes, roads, recreation areas, service easements and any other non-ecologically functioning work or activity are to be located beyond riparian zones, unless detailed on plans approved by DWE, prior to the issue of a CAA.	Proponent	All stages